IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 24431 of 2005

Between:

P.Srinivas Gowd and another

..... PETITIONERS

AND

The Superintendent,

Prohibition and Excise, Adilabad,

Adilabad District and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, directing the respondents 1 to 4 not to grant the license to the 5th respondent for retail sale of toddy in Ratnapur-K village, Nirmal Mandal, Adilabad District on the ground that the 5th respondent is not a tapper and not resident of the said village, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Prohibition and Excise.

It is stated that the petitioners were granted T.F.T licenses for Ratnapur-K village, Nirmal Mandal, Adilabad District on 17.04.2002 for a period of 5 years, valid up to March, 2007. It is stated that the 5th respondent also applied for grant of T.F.T. license in respect of the same village though he is not resident of the said village and also he is not a tapper. Whether the 5th respondent is a tapper or not and whether he is resident of Ratnapur-K village or not are the disputed questions of fact and they have to be enquired into by the Excise officials. However, it is the case of the petitioners that they have made a representation to the respondents 1 to 4 on 10.10.2005 about the non-eligibility of the 5th respondent for grant of T.F.T. license, and it is pending consideration before the respondents 1 to 4.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondent
No.1 to consider and dispose of the representation of the petitioners dated 10.10.2005, in accordance with law, after giving a reasonable opportunity to the petitioners as well as to the 5th respondent, within a period of 8 (eight) weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 16.11.2005

Dsr